

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

DELTA OIL COMPANY,

MAGISTRATE JUDGE VAB

Plaintiff,

v.

HERALD MEDIA, INC. and BOSTON  
HERALD, INC.,

Defendants.

Civil Action No.  
COMPLAINT

RECEIPT # 60601  
AMOUNT \$ 50  
SUMMONS ISSUED yes  
LOCAL RULE 4.1 yes  
WAIVER FORM yes  
MCF ISSUED yes  
BY DPTY. CLK. FOM  
DATE 12/17/04

Plaintiff Delta Oil Company ("DELTA") hereby brings this Complaint and alleges as follows:

**JURISDICTION AND VENUE**

1. Plaintiff DELTA is a corporation organized under the laws of Guernsey, Channel Islands, with its principal place of business in Jeddah, Saudi Arabia. Defendant HERALD MEDIA, INC. is a corporation incorporated in Massachusetts and having its principal place of business in Massachusetts. BOSTON HERALD, INC. is a subsidiary of the parent corporation HERALD MEDIA, INC. The matter in controversy exceeds, exclusive of interest and costs, the sum of seventy-five thousand dollars. This Court has original jurisdiction under 28 U.S.C. §1332, in that this is a civil action between citizens of a state and citizens or subjects of a foreign state, in which the matter in controversy exceeds, exclusive of costs and interest, seventy-five thousand dollars.

2. Venue is proper in the Commonwealth of Massachusetts, because a substantial part of the events or omissions giving rise to the claims occurred in that State.

**PARTIES**

3. Plaintiff DELTA is, and at all times relevant was, a privately held corporation doing business in Saudi Arabia. DELTA invests in oil exploration, development, transport, refinement and sale. DELTA is not a public figure, nor has it voluntarily injected itself into a matter of public concern in an attempt to influence the outcome of a public controversy. No officers or employees of DELTA have been interviewed by any journalist in connection with the matter at issue, including those journalists reporting for the Boston Herald.

4. HERALD MEDIA, INC. is and at all times relevant was the parent company of BOSTON HERALD, INC. Both are domestic U.S. companies, and publish the daily newspaper entitled, "The Boston Herald."

5. All actions of HERALD MEDIA, INC. and BOSTON HERALD, INC. (collectively, "HERALD") as alleged in the cause of action stated herein were ratified and approved by their lawyers, officers, directors, managing agents and/or editors.

**FIRST CAUSE OF ACTION**  
**LIBEL (COUNT I)**  
**(Against All Defendants)**

6. On December 10 and 11, 2001 *The Boston Herald* ran a series of three newspaper articles linking Saudi families with "financial ties to Osama Bin Laden's terrorist network" to three Saudi oil companies: Delta Oil, Nimir Petroleum and Corral Petroleum.

7. Specifically, the December 10, 2001 article under the byline of Jack Myers, Jonathan Wells and Maggie Mulvihill, headlined "War on Terrorism; Saudi clans working with U.S. Oil firms may be tied to Bin Laden," states that the "prime force behind Delta Oil appears to be Mohammed Hussein Al-Amoudi" and links Al-Amoudi to Osama Bin Laden and Al-Qaeda.

8. In fact, contrary to the substance of the articles described in the foregoing paragraphs 6 and 7, Al-Amoudi does not now nor has he ever controlled or owned DELTA. Furthermore, on February 19, 2002 the Boston Herald printed a retraction, admitting that it was incorrect in reporting that Al-Amoudi had ties to Osama Bin Laden and Al-Qaeda, but failing to correct the misstatement regarding DELTA.

9. Others, citing this article, have continued to perpetuate this falsehood. (*See, e.g.*, "Dude, Where's My Country?" by Michael Moore, pp. 30-31, "Delta is headed by a man named Mohammed Hussein Al-Amoudi who has been investigated for ties to Osama Bin Laden.")

10. DELTA, based on the false information in the Boston Herald article, was named as a defendant in a significant lawsuit. DELTA was eventually voluntarily dismissed when it was clearly shown that DELTA never has been owned or controlled by Al-Amoudi or bin Mafouz (also mentioned in the Boston Herald article) nor connected in any way to Osama Bin Laden or Al Qaeda.

11. The false statements linking DELTA to Al-Amoudi, and therefore to Osama Bin Laden, are libelous on their face. Additionally, because the offending statements imply that DELTA committed a crime, namely funneling money to a terrorist network, they are libelous per se.

12. The false statements are reasonably susceptible to a defamatory meaning. Three months after the September 11, 2001 terror attacks against the United States, HERALD reported that DELTA was controlled by a man who was alleged to be giving financial support to the same terrorist network that perpetuated those attacks. Thus, the entire story supports the falsehood that DELTA is owned or controlled by supporters of the Al Qaeda terrorist organization.

13. The offending statements were published with negligence and with constitutional and actual malice with knowledge that they were false or with a reckless disregard for the truth or falsity of what was printed.

14. As a proximate result of the above-mentioned conduct, DELTA has suffered extensive damages, including loss of reputation, interference with existing business relations, loss of business, decrease in business opportunities and has generally suffered discredit and suspicion in the eyes of the public and its business associates for something that is not true. Furthermore, DELTA was named in, and suffered the expense of defending against, a lawsuit based on the false information.

15. In addition, HERALD's conduct as described was done with a conscious disregard of the rights of DELTA by falsely implying it was owned or controlled by a supporter of terrorists. Defendants' acts constitute oppression, fraud, and/or malice, entitling DELTA to an award of punitive damages in an amount to be determined at trial.

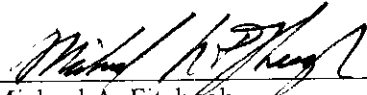
16. As part of the effort to restore its reputation, DELTA demands an apology and a retraction to be published in *The Boston Herald* in a form to be approved by the Court.

**PRAYER FOR RELIEF**

Wherefore, Plaintiff asks for judgment and relief against defendants HERALD MEDIA, INC. and BOSTON HERALD, INC. on all of its claims as follows:

1. For general damages;
2. For punitive damages;
3. For an apology and retraction; and
4. Such other relief as the Court may deem just or appropriate.

Respectfully submitted,

By:   
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Dated: December 7, 2004

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

1. TITLE OF CASE (NAME OF FIRST PARTY ON EACH SIDE ONLY) Delta Oil Company v. Herald Media, Inc. and Boston Herald, Inc.
2. CATEGORY IN WHICH THE CASE BELONGS BASED UPON THE NUMBERED NATURE OF SUIT CODE LISTED ON THE CIVIL COVER SHEET. (SEE LOCAL RULE 40.1(A)(1)).
- I. 160, 410, 470, R.23, REGARDLESS OF NATURE OF SUIT.
- II. 195, 368, 400, 440, 441-444, 540, 550, 625, 710, 720, 730, 740, 790, 791, 820, 830, 840, 850, 890, 892-894, 895, 950.
- X III. 110, 120, 130, 140, 151, 190, 210, 230, 240, 245, 290, 310, 315, 320, 330, 340, 345, 350, 355, 360, 362, 365, 370, 371, 380, 385, 450, 891.
- IV. 220, 422, 423, 430, 460, 510, 530, 610, 620, 630, 640, 650, 660, 690, 810, 861-865, 870, 871, 875, 900.
- V. 150, 152, 153.
3. TITLE AND NUMBER, IF ANY, OF RELATED CASES. (SEE LOCAL RULE 40.1(E)).  
N/A
4. HAS A PRIOR ACTION BETWEEN THE SAME PARTIES AND BASED ON THE SAME CLAIM EVER BEEN FILED IN THIS COURT?  
No.
5. DOES THE COMPLAINT IN THIS CASE QUESTION THE CONSTITUTIONALITY OF AN ACT OF CONGRESS AFFECTING THE PUBLIC INTEREST? No.  
IF SO, IS THE U.S.A. OR AN OFFICER, AGENT OR EMPLOYEE OF THE U.S. A PARTY? (SEE 28 USC 2403) \_\_\_\_\_
6. IS THIS CASE REQUIRED TO BE HEARD AND DETERMINED BY A DISTRICT COURT OF THREE JUDGES PURSUANT TO TITLE 28 USC 2284? No.
7. DO ALL PARTIES IN THIS ACTION RESIDE IN THE CENTRAL SECTION OF THE DISTRICT OF MASSACHUSETTS (WORCESTER COUNTY) - (SEE LOCAL RULE 40.1(C)). YES No. \_\_\_\_\_ OR IN THE WESTERN SECTION (BERKSHIRE, FRANKLIN, HAMPDEN OR HAMPSHIRE COUNTIES)? - (SEE LOCAL RULE 40.1(D)). YES No. \_\_\_\_\_
8. DO ALL OF THE PARTIES RESIDING IN MASSACHUSETTS RESIDE IN THE CENTRAL AND/OR WESTERN SECTIONS OF THE DISTRICT? YES No. \_\_\_\_\_ (a) IF YES, IN WHICH SECTION DOES THE PLAINTIFF RESIDE? \_\_\_\_\_
9. IN WHICH SECTION DO THE ONLY PARTIES RESIDING IN MASSACHUSETTS RESIDE? Eastern
10. IF ANY OF THE PARTIES ARE THE UNITED STATES, COMMONWEALTH OF MASSACHUSETTS, OR ANY GOVERNMENTAL AGENCY OF THE U.S.A. OR THE COMMONWEALTH, DO ALL OTHER PARTIES RESIDE IN THE CENTRAL SECTION No. OR WESTERN SECTION No.

(PLEASE TYPE OR PRINT)

ATTORNEY'S NAME Michael A. Fitzhugh  
Fitzhugh, Parker & Alvaro LLP  
 ADDRESS 155 Federal Street, Boston, MA 02110  
 TELEPHONE NO. 617-695-2330

(Category.frm - 09/92)

JS 44  
(Rev. 3/99)**CIVIL COVER SHEET**

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

**I. (a) PLAINTIFFS**

Delta Oil Company  
Jeddah, Saudi Arabia

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)  
Michael A. Fitzhugh  
Fitzhugh, Parker & Alavro LLP  
155 Federal Street, Suite 1700  
Boston, MA 02110  
(617) 695-2330

**DEFENDANTS**

Boston Media, Inc. and  
Boston Herald, Inc. 3:20  
Boston, MA

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT: Suffolk  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

ATTORNEYS (IF KNOWN)

**II. BASIS OF JURISDICTION** (PLACE AN "X" IN ONE BOX ONLY)

- ☐ 1 U.S. Government Plaintiff  
☐ 2 U.S. Government Defendant  
☐ 3 Federal Question (U.S. Government Not a Party)  
☒ Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (For Diversity Cases Only)

	PTF	DEF		PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in This State	<input type="checkbox"/> 4	<input checked="" type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input checked="" type="checkbox"/> 6	<input type="checkbox"/> 6

**IV. NATURE OF SUIT** (PLACE AN "X" IN ONE BOX ONLY)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input checked="" type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <b>PERSONAL INJURY</b> <input type="checkbox"/> 362 Personal Injury — Med. Malpractice <input type="checkbox"/> 365 Personal Injury — Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce ICC Extension <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organization <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice Act <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 890 Other Statutory Actions
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights	<b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence <b>HABEAS CORPUS:</b> <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS — Third Party 26 USC 7609

**V. ORIGIN**

(PLACE AN "X" IN ONE BOX ONLY)

- ☒ 1 Original Proceeding  
☐ 2 Removed from State Court  
☐ 3 Remanded from Appellate Court  
☐ 4 Reinstated or Reopened  
☐ 5 Transferred from another district (specify) \_\_\_\_\_  
☐ 6 Multidistrict Litigation  
☐ 7 Appeal to District Judge from Magistrate Judgment

**VI. CAUSE OF ACTION**

(CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY.)

This is an action arising out of Defendants' printing of libelous material in the newspaper resulting extensive damages to the Plaintiff.

**VII. REQUESTED IN COMPLAINT:**

CHECK IF THIS IS A CLASS ACTION  
☐ UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint.

JURY DEMAND: ☐ YES ☐ NO**VIII. RELATED CASE(S) IF ANY**

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE